

PACHULSKI STANG ZIEHL & JONES LLP
Jeffrey N. Pomerantz (CA Bar No. 143717) (*admitted pro hac vice*)
Robert J. Feinstein (NY Bar No. 1767805) (*admitted pro hac vice*)
John A. Morris (NY Bar No. 266326) (*admitted pro hac vice*)
Gregory V. Demo (NY Bar No. 5371992) (*admitted pro hac vice*)
Judith Elkin (TX Bar No. 06522200)
Hayley R. Winograd (NY Bar No. 5612569) (*admitted pro hac vice*)
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760

HAYWARD PLLC
Melissa S. Hayward (TX Bar No. 24044908)
Zachery Z. Annable (TX Bar No. 24053075)
10501 N. Central Expy, Ste. 106
Dallas, TX 75231
Telephone: (972) 755-7100
Facsimile: (972) 755-7110

Counsel for Highland Capital Management, L.P.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	Case No. 19-34054-sgj11
Reorganized Debtor.	§	
CHARITABLE DAF FUND, L.P.,	§	
and CLO HOLDCO, LTD.,	§	Adversary Proceeding No.
<i>directly and derivatively,</i>	§	21-03067
Plaintiffs,	§	
vs.	§	
HIGHLAND CAPITAL MANAGEMENT,	§	
L.P., HIGHLAND HCF ADVISOR, LTD.,	§	
AND HIGHLAND CLO FUNDING, LTD.,	§	
Nominally,	§	
Defendants.	§	

**DEBTOR'S WITNESS AND EXHIBIT LIST WITH RESPECT
TO EVIDENTIARY HEARING TO BE HELD ON NOVEMBER 23, 2021**

Highland Capital Management, L.P. (the “Debtor”) submits the following witness and exhibit list with respect to (i) *Plaintiffs’ Motion to Stay All Proceedings* [Docket No. 55]; and *Plaintiffs’ Amended Motion to Stay All Proceedings* [Docket No. 69], which the Court has set for hearing at 9:30 a.m. (Central Time) on November 23, 2021 (the “Hearing”) in the above-styled adversary proceeding (the “Adversary Proceeding”).

A. Witnesses:

1. Any witness identified by or called by any other party; and
2. Any witness necessary for rebuttal.

B. Exhibits:

Number	Exhibit	Offered	Admitted
1.	<i>Order (i) Confirming the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified) and (ii) Granting Related Relief</i> , Case No. 19-34054-sgj, D.I. 1943 (Bankr. N.D. Tex. Feb. 22, 2021)		
2.	<i>Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified)</i> , Case No. 19-34054-sgj, D.I. 1808 (Bankr. N.D. Tex. Jan. 22, 2021)		
3.	Highland Capital Management Fund Advisors, L.P. and NexPoint Advisors, L.P.’s <i>Notice of Appeal</i> , Case No. 19-34054-sgj, D.I. 1957 (Bankr. N.D. Tex. Mar. 1, 2021)		
4.	Highland Income Fund, NexPoint Strategic Opportunities Fund, Highland Global Allocation Fund, and NexPoint Capital, Inc.’s <i>Notice of Appeal</i> , Case No. 19-34054-sgj, D.I. 1966 (Bankr. N.D. Tex. Mar. 3, 2021)		
5.	James Dondero’s <i>Notice of Appeal</i> , Case No. 19-34054-sgj, D.I. 1970 (Bankr. N.D. Tex. Mar. 1, 2021)		
6.	The Dugaboy Investment Trust and Get Good Trust’s <i>Notice of Appeal</i> , Case No. 19-34054-sgj, D.I. 1972 (Bankr. N.D. Tex. Mar. 4, 2021)		
7.	<i>Order Certifying Appeals of the Confirmation Order for Direct Appeal to the United States Court of Appeals for the Fifth Circuit</i> , Case No. 19-34054-sgj, D.I. 2034 (Bankr. N.D. Tex. Mar. 16, 2021)		

Number	Exhibit	Offered	Admitted
8.	<i>Order on Motions for Stay Pending Appeal</i> , Case No. 19-34054-sgj11, D.I. 2084 (Bankr. N.D. Tex. Mar. 22, 2021)		
9.	<i>Supplemental Order on Motions for Stay Pending Appeal</i> , Case No. 19-34054-sgj11, D.I. 2095 (Bankr. N.D. Tex. Mar. 24, 2021)		
10.	<i>Motion for Stay Pending Appeal</i> , Case No. 3:21-cv-00550-L, D.I. 5 (N.D. Tex. Apr. 6, 2021)		
11.	<i>Appellants' Motion for Stay Pending Appeal</i> , Case No. 3:21-cv-00538-N, D.I. 2 (N.D. Tex. Apr. 1, 2021)		
12.	<i>Funds' Petition For Direct Appeal Under 28 U.S.C. § 158(d)</i> , Case No. 21-90011 (5th Cir. April 14, 2021)		
13.	Highland Capital Management Fund Advisors, L.P. and NexPoint Advisors, L.P.'s Petition For Direct Appeal Under 28 U.S.C. § 158(d), Case No. 21-90011 (5th Cir. Mar. 31, 2021)		
14.	The Dugaboy Investment Trust And Get Good Trust's Petition For Direct Appeal Under 28 U.S.C. § 158(d), Case No. 21-90011 (5th Cir. April 15, 2021)		
15.	James Dondero's Petition For Direct Appeal Under 28 U.S.C. § 158(d), Case No. 21-90011 (5th Cir. April 15, 2021)		
16.	Order Granting Motion for Leave to Appeal Pursuant to 28 U.S.C. § 158(d) , Case No. 21-90011 (5th Cir. May 4, 2021)		
17.	Order Granting Motion for Leave to Appeal Pursuant to 28 U.S.C. § 158(d) , Case No. 21-90011 (5th Cir. June 2, 2021)		
18.	<i>Appellants' Motion for Stay Pending Appeal</i> , Case No. 21-10449 (5th Cir. May 19, 2021)		
19.	<i>Order denying Appellants' Motion for Stay Pending Appeal</i> , Case No. 21-10449 (5th Cir. June 21, 2021)		
20.	<i>Order</i> , Case No. 3:21-cv-00550-L, D.I. 28 (N.D. Tex. June 23, 2021)		
21.	<i>Motion for an Order to Enforce the Order of Reference</i> [D.I. 22]		
22.	Motion to Dismiss Complaint [D.I. 26]		
23.	<i>Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.</i> , Case No. 19-34054-sgj, D.I. 2700 (Bankr. N.D. Tex. Aug. 11, 2021)		

Number	Exhibit	Offered	Admitted
24.	<i>Defendant Highland Capital Management, L.P.'s Memorandum of Law in Support of Motion for an Order to Enforce the Order of Reference [D.I. 23]</i>		
25.	<i>Appendix in Support of Highland Capital Management, L.P.'s Motion for an Order to Enforce the Order of Reference [D.I. 24]</i>		
26.	<i>Debtor's Reply in Support of Debtor's Motion to Enforce the Order of Reference [D.I. 45]</i>		
27.	<i>Appendix in Support of Debtor's Reply in Support of the Debtors' Motion to Enforce the Order of Reference [D.I. 43]</i>		
28.	<i>Order of Reference [D.I. 64]</i>		
29.	<i>Plaintiffs' Response to Defendant Highland Capital Management, L.P.'s Motion for an Order to Enforce the Order of Reference [D.I. 36]</i>		
30.	<i>Appendix in Support of Plaintiffs' Response to Highland Capital Management, L.P.'s Motion for an Order to Enforce the Order of Reference and Cross-Motion [D.I. 37]</i>		
31.	Any document entered or filed in the Reorganized Debtor's Bankruptcy Case, including any exhibits thereto		
32.	All exhibits necessary for impeachment and/or rebuttal purposes		
33.	All exhibits identified by or offered by any other party at the Hearing		

Dated: November 22, 2021.

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No. 143717)
Robert J. Feinstein (NY Bar No. 1767805)
John A. Morris (NY Bar No. 266326)
Gregory V. Demo (NY Bar No. 5371992)
Judith Elkin (TX Bar No. 06522200)
Hayley R. Winograd (NY Bar No. 5612569)
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760
Email: jpomerantz@pszjlaw.com
rfeinstein@pszjlaw.com
jmorris@pszjlaw.com
gdemo@pszjlaw.com
jelkin@pszjlaw.com
hwinograd@pszjlaw.com-and-

-and-

HAYWARD PLLC

/s/ Melissa S. Hayward

Melissa S. Hayward
Texas Bar No. 24044908
MHayward@HaywardFirm.com
Zachery Z. Annable
Texas Bar No. 24053075
ZAnnable@HaywardFirm.com
10501 N. Central Expy, Ste. 106
Dallas, Texas 75231
Tel: (972) 755-7100
Fax: (972) 755-7110

Counsel for Highland Capital Management, L.P.